

Architectural Conservation and Historic Preservation
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Lecture - 37
Historic Areas and Heritage Zones - India (Contd.)

We will continue with the historic areas and heritage zone what we have been discussing about the legal implications that under the town and country planning act.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites
Model Regional and Town Planning and Development Law 1985

Model Law provided 3 steps for the administration of this law:

- a) Preparation of existing land use map
- b) Preparation of an outline development plan and comprehensive development plan and their enforcement
- c) Preparation of detailed schemes of development or redevelopment as envisaged in the plans and their implementation.

Perspective Plan-vision 2030 and Comprehensive Development Plans, Bhubaneswar & Cuttack BCUC, IIT Kharagpur

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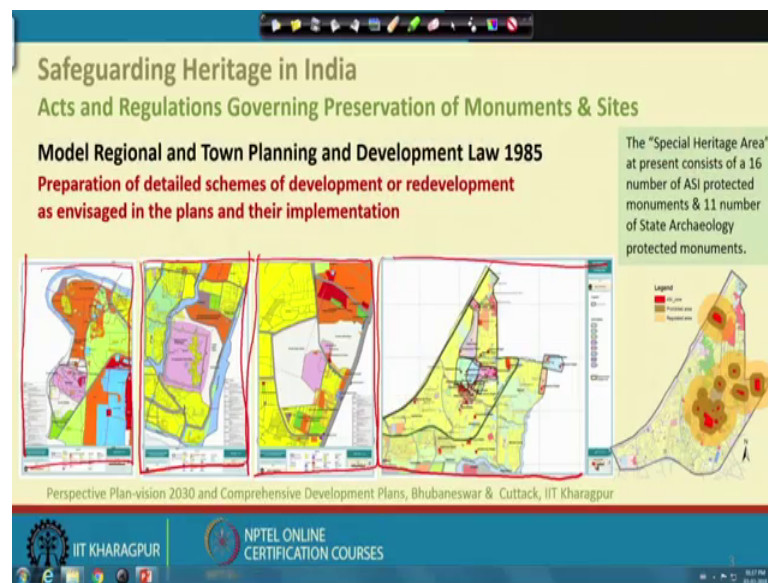
So, Model Regional Town and Country Planning Development Law 1985, which gave the three steps we have already discussed the existing land use map, outline development plan and a detailed scheme we have been talking about that how under the detail scheme the special areas can be designated which can be inheritance area which is of a significant value and under that.

So, in case of Bhubaneswar, what has been done is that this special area especially the old Bhubaneswar what we have seen those bubbles they are that has been designated as a special heritage zone and it has been incorporated as a part of the comprehensive development plan for Bhubaneswar. What, what is the implication is that not only it has a legal sanction on it ah, but also it will have a special laws or bylaws which will be applicable for only for that area. And that that bubbles or the AMASR act which also will

be there, but that has to be integrated. So, AMASR act says that there has to be a special bylaws for that area.

So, these bylaws and the, bylaws under the comprehensive development plan, he has to sort of has some synchronization together. As part of the comprehensive development plan the designation has been done and certain sort of a guidelines has been there which has to be further specified into the specific bylaws for that area.

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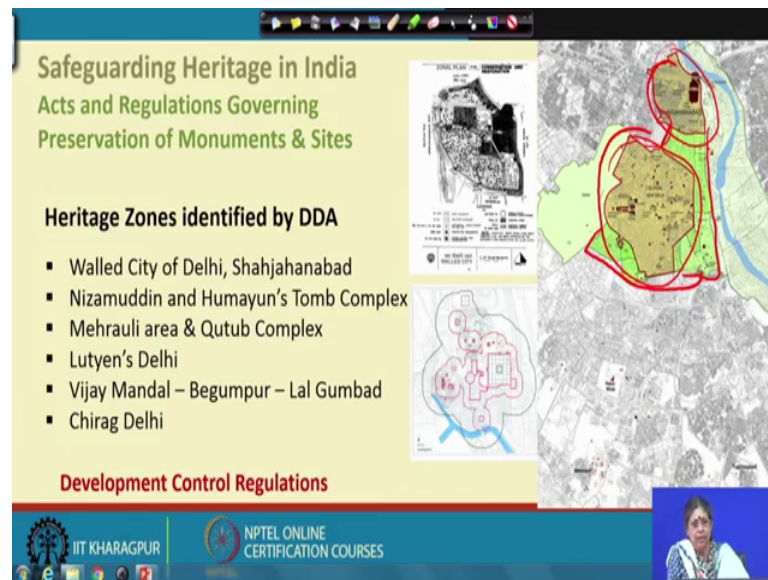
Ah not only that old city or the old core of Bhubaneswar as we can see that this is what is the overlapping happening but this will be treated as a special area and so, that it is not only this bubble, but also in Bhubaneswar is not only the old city old coal town of old Bhubaneswar, but there are other heritage areas which also of a different nature archaeological ruins or sacred areas they also have been incorporated and designated in the development plan as designated as a spatial area.

These are as you can see that Udayagiri, Candagiri area which is there which has becomes which again the special bylaws have been provided for that. And this is the an archaeological site which is also have and this is a very much living area and this is the Dhavalgiri area. So, each of this area, special bylaws has been provided for this area and incorporated along with of course the old core which has been incorporated within the part of the comprehensive development plan and the designation has been there. That

shows that the bylaws for that area will not be at par with the rest of the city and each of this area will have his own special bylaws.

So, this is what is required.

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Now let us talk about the other cities. How the special areas or heritage zones are incorporated as a part of the statutory town planning law. Let us talk about the Delhi. Delhi we know that wall city of Shahjahanabad, we have discussed earlier that it will have a special probably it has a special problem. It has a special history which is an wall city and the so, this has been also incorporated as a part of the identified by Delhi development authority as a special heritage zone. Nizamuddin and Humayuns tomb complex, again Nizamuddin is a living area, the Humayuns took component is a tomb complex is a world heritage site and there is also a nursery the nursery which is from a colonial area.

So, all of these are important and there are other structures also which all have been incorporated as the heritage zone an integrated. We will talk about Nizamuddin later on because it has really able to show a survey that how heritage and democracy can be integrated together how the social aspects of heritage has been integrated together; that we will talk about in a separate lecture. Coming back to DDA, the Mehrauli area and Qutub complex that is also another area which has been declared as a heritage zone the Lutyens Delhi which again has a very significant of a different type of character, the

Vijay Mandal - Begumpur - Lal Gumbad, the area which is again a cluster of the different heritage structures, but all of them is a leaving area. The residential area mixed area commercial area which are a part of that. Chirag Delhi and many of these are the Lal Dora area the special areas which needs a lot of infrastructure development and that is why this heritage zone have been declared by the they. There is a designation they designated. This is part of a statutory jurisdiction.

Now, what is required is that again a special bylaws have to be developed for that area which has to be in sort of a synchronization with the national monument authority. What is important for Delhi is that, Delhi actually was preparing for the world heritage nomination it is still under and heritage law where because Delhi is a combination of a lot of cities or the different parts of Delhi, but of these the Lutyens Delhi which is, the Lutyens Delhi which is of a special character and the Shahjahanabad, these are mostly the experts have identified that these are the two areas which still has retained the significance of the townscape values, the street pattern, the cultural aspects which can be designated as a world heritage site.

So, there is a sort of a tentative plan and as I say that it is on the tentative listing. So, that entire area was really the dossier was being prepared for declaring or putting the application for the nomination for the, but what is important for us is that not only that every areas has to be the world heritage site. What is important is that, after designating that as a heritage zone or a special zone and making it a part of the overall city plan or the development plan; the special development control regulation for each one of this area has to be formulated. And that is why the heritage now becomes a part of the development not only we are talking about a historical site, but how the conservation and integration can go hand in hand and this is what that is why we need to talk about the computerised development plan and putting heritage as a part of that.

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The slide is titled "Safeguarding Heritage in India" and "Acts and Regulations Governing Preservation of Monuments & Sites". It features three main visual elements: a modern street scene in Mumbai, a historical black and white photograph of a street from 1860, and a map titled "THE FORT PRECINCT IN BOMBAY" with the subtitle "A PROPOSAL FOR AREA CONSERVATION". Below the images, the text reads: "Maharashtra Regional Town Planning Act, 1966" and "Regulation No. 67 regarding conservation of listed buildings, areas, artefacts, structures and precincts of historical, aesthetical, architectural or cultural value". The slide also includes logos for IIT KHARAGPUR and NPTEL ONLINE CERTIFICATION COURSES, and a small video inset of a speaker in the bottom right corner.

Now, in this respect, Maharashtra regional town planning act actually we may become a pioneer to show us that what can be done because it is just not designating the area. So, really it has to be implemented on the ground, it has to be made visible with not only the no development type, but also some sub prescriptive measures giving some incentives another. So, let us see what is happening. Now Mumbai historically it is a 1866, you can see the fort area of Mumbai which is a very much living area and it has been changed into and there are distinct areas of Mumbais especially the fort of area of Mumbai which has a special character and it has come under an threat of change developments. It is a growing city cap commercial capital of India.

So, Maharastra regional town planning act and has sort of identified some of the heritage precincts. The fort pressing in Bombay what you can see there is a proposal for area conservation um. People have been working for that and this has been designated as that, but how it has been designated. It was under the Maharashtra regional town planning act 1966, a special regulation, regulation 67 has been promulgated regarding conservation of listed building, areas, artifacts, structures and precinct of historical, aesthetic architectural or cultural value. So, there this regulation becomes a statutory part of the act and under that this switch not only as I say the town can implied has the provision, but this has been a special regulation which has been specially focused on the heritage precinct and heritage areas.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites
Heritage Precincts in Mumbai

1. The Fort Precinct
2. Opera House Precinct
3. Banganga Precinct
4. Gaumdevi precinct
5. Maha Laxmi precinct
6. Khota Chiwadi precinct
7. Matarpakhdi precinct
8. Bandra precinct

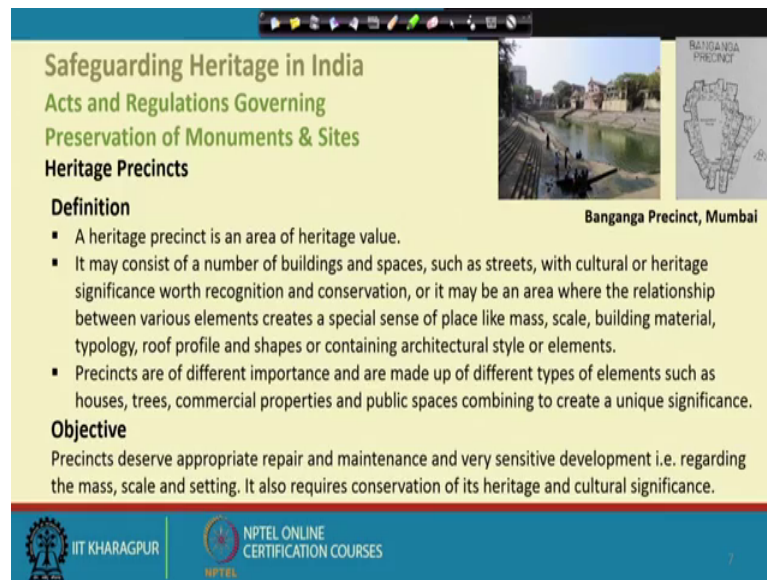
The slide includes two photographs: one of a large, ornate building (likely the Opera House) and another of a river scene (likely the Banganga). To the right of the list are two maps: the top one is labeled 'OPERAHOUSE PRECINCT' and the bottom one is labeled 'BANGANGA PRECINCT'. Red dotted arrows point from the list items to the images: from item 2 to the Opera House photo and from item 3 to the Banganga photo.

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And according to that it has identified 8 precinct there may be updated also or added on to the list later on and also there is a provision of delisting; we will talk about that.

So, The Fort Precinct, the Opera House Precinct, the Banganga Precinct, Gaumdevi precinct, Mahalakshmi Precinct, Khota Chiwadi precinct and Matrapakhdi precinct and Bandra precinct; each one of this area has a special character, a special issue, special challenges, special types of activity and like say you see, Banganga area; it is actually a water body around which that there are special activities special types of built forms. It has a different significance of sacred significance and. So, that is why each and every area has declared as a special precinct under this regulation.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites
Heritage Precincts

Definition

- A heritage precinct is an area of heritage value.
- It may consist of a number of buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it may be an area where the relationship between various elements creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or containing architectural style or elements.
- Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces combining to create a unique significance.

Objective

Precincts deserve appropriate repair and maintenance and very sensitive development i.e. regarding the mass, scale and setting. It also requires conservation of its heritage and cultural significance.

Banganga Precinct, Mumbai

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Now, let us say, if you are talking about the heritage precinct this, under this regulation the Maharashtra town planning act is a clear definition as a part of this regulation which becomes a legal aspect that what is the definition of a precinct.

It says the heritage precinct is an area of a heritage value. It may consist of a number of buildings and spaces such as streets with cultural or heritage significant worth recognition and conservation or it may be an area where the relationship between the various elements, create a special sense of a place like mass, scale, building material, typology, roof profile and shapes or containing an architecture style of it. It is a large gamut and it has been the definition which is very important, it there should not be any ambiguity of that. It has covered a different typology, different scenarios under this definition of that, what can be a really a heritage precinct.

So, you can see that the shift is really away from the monument and is it has a larger scope for defining heritage precinct. Precincts are of different importance and are made of a different types of elements such as houses, trees, commercial properties and public spaces combining to create and unique significance. So, this unique significance is the major factor and it can be contributed by the various attributes. So, what is important is to identify the attributes and signify the heritage and as we can see in this regulation special regulation, heritage regulation of Mumbai, we have really shifted away from the monument; there may be a monument; there may not be a monument.

So, it is legally defined that what is a heritage precinct. What is the objective? Precincts deserves appropriate repair and maintenance and very sensitive development that is regarding the mass, scale and setting. It also requires conservation of his heritage and councils. This is exactly what is we have been looking for that how conservation and development can be integrated together. On one side, we talks about conservation of the heritage and the cultural significance and another side is talking about development. Yes, but sensitive development.

And these later on will see that how it has been taken into the model heritage regulations for India. Mister Sham Shinobi ah, he has been very active there too did do this for Mumbai is been very active and then he also was very instrumental in formulating the model heritage bylaws for India.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites
LISTING & GRADING OF HERITAGE BUILDINGS & PRECINCTS IN MUMBAI

Restriction on Development/Redevelopment/Repairs, etc.

- (i) No development or redevelopment or engineering operation or additions, alterations, repairs, renovation including the painting of buildings, replacement of special features or demolition of the whole or any part thereof or plastering of said listed/heritage buildings or listed/Heritage precincts shall be allowed except with the prior written permission of the Commissioner.
- (ii) The Commissioner shall act on the advice of/in consultation with the Heritage Conservation Committee to be appointed by Government (hereinafter called the said Heritage conservation Committee)

Provided in exceptional cases for reasons to be recorded in writing the Commissioner may overrule the recommendation of the Heritage Conservation Committee

<https://www.legalcrystal.com/act/135912/heritage-regulations-for-greater-bombay-1995-comple>

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The slide also features a small video inset in the bottom right corner showing a person speaking.

Now, again coming back to the precinct as you see the listing and grading is very important have seen in the case of Panaji but what is the implication. So, we have seen what is the definition? We have seen what is the objective, what is the implication of that, designating and heritage precinct, restriction on development, redevelopment, oblique repairs, no development or redevelopment or engineering of operation or addition, alteration, repairs, innovation including the panting of buildings, replacement of special features or demolition of the hole or any part thereof or plastering of see it

listed heritage buildings or listed heritage precinct shall be allowed except with priority and permission of the commissioner.

So, if not saying that no nothing will be allowed. It is saying that it needs a permission because most of the time, it is a private property, it needs a prime permission and permission regarding what that will be decided like case by case specific according to the precinct. The commissioner shall act on the advice of or in consultation with the heritage conservation committee to be appointed by the government here in after call the said heritage conservation committee. Now, this heritage conservation committee is also very important, it there also it has said that what should be the constitution of heritage conservation committee; it has an advisory role.

It needs some sort people who are multidisciplinary, landscape architect, heritage conservation specialist, urban designer, historian, archaeologist. So, it has clearly engineers. It is clearly specified that their experience and other thing because the this adversary committee also should know that what types of advice should come their experience and everything. Now what is important is that, it is an advisory role; it gives advice to the commissioner.

Now commissioner, it is say that shall act on the advice by the government the commissioner, but can also very exceptional cases for reason to be recorded, in writing the commissioner, may overrule the recommendation of the heritage commission committee. So, we have seen that even in the main street program and other programs, they say that it has to be flexible but what is important is that, by the constitution of the heritage conservation committee, by making it a legal area and making the bylaws, making the listing, what it is saying that it in exceptional cases. It can be done but it has to be written in writing.

So, there is an obligation there is a responsibility there is a sort of one has to sort of a answer that one why what is doing that. So, that becomes the crucial factor in these the designating and areas a heritage conservation committee and saying that what is possible and what is not possible.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites
LISTING & GRADING OF HERITAGE BUILDINGS & PRECINCTS IN MUMBAI

1. Preparation of list Heritage Building and Heritage precincts. The said list of buildings, artifacts, structures and precincts of historical, and/ or aesthetical, and for architectural and/or cultural value
2. Power to Alter, Modify or Relax Regulations
3. Hearing etc. to persons likely to be affected
4. Grant of Transferable Development Rights in cases of loss of Development Rights
5. Maintaining Sky Line
6. Restrictive Covenantal
7. Repair Fund
8. Grading of the Listed Buildings/Listed Precincts

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Now, what are the aspects, which is seen. First one is the preparation of a list of heritage building and the heritage precinct, the state list of building artifact structures and precinct to historical and or esthetical and for architectural or cultural value. So, we have talked about value at length. So, all types of value the predominantly this types of value can be a part or can be a reason for declaring a heritage zone power to alter modify or relax regulations, hearing a sitter 2 persons likely to be affected.

So, is that democracy that the participatory part of the stakeholders, grant of transferable development right in cases of loss of development TDR. TDR is a very important that if somebody is being affected by this provision or the implementation of the law, so, he has to be compensated. So, TDR becomes a very powerful tool for the maintaining the sky line where the sky line is a significant restrictive covenantal, repair fund and grading of the listed buildings and the listed brick. So, there is a fund which is there and grading of listed building and listed precinct and there is also a provision as we see that that one can sort of a talk about that why and the overruling is possible but some sort of explanation has to be given.

So, there is a restriction in regard to that. So, the final point the grading of the listed building is a very important aspect of this declaration of the heritage precinct. Just declaring a heritage precinct is not enough.

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Safeguarding Heritage in India
Acts and Regulations Governing Preservation of Monuments & Sites

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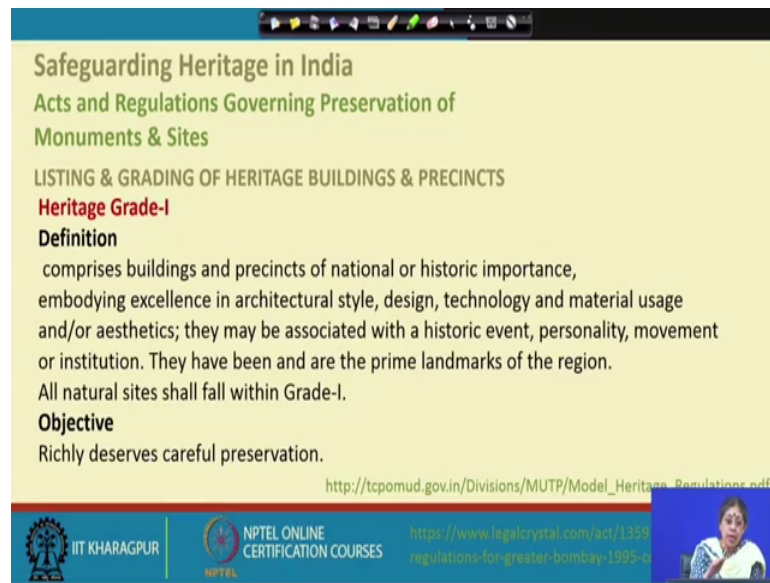
The slide includes three photographs of heritage buildings in Mumbai: a large ornate building, a street scene with heritage buildings, and a street scene with a large building and a clock tower.

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So, we see that ah, there are certain things. In Mumbai, we see that the fort area. There is the Bandra area which are apart and where materials are happening, different types of development happening, so, oh these part of restriction control and also giving some sort of an incentive or compensating the people is very much a part of these heritage regulations.

Now, we have been talking about the listing and the grading which is also very important you can as I say that in an declared precinct not all the structures areas can be of heritage significance. It is understood. So, there has to be a listing and there has to be a overall regulation bylaws for that area what is possible because even a new development is possible, redevelopment is possible.

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The screenshot shows a presentation slide with a yellow background and a blue header. The header contains the text 'Safeguarding Heritage in India' in white, followed by 'Acts and Regulations Governing Preservation of Monuments & Sites' in green. Below this, in black text, is 'LISTING & GRADING OF HERITAGE BUILDINGS & PRECINCTS'. The main heading 'Heritage Grade-I' is in red. Under 'Definition', it states that Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a historic event, personality, movement or institution. They have been and are the prime landmarks of the region. All natural sites shall fall within Grade-I. Under 'Objective', it states 'Richly deserves careful preservation.' At the bottom, there is a URL: http://tcpomud.gov.in/Divisions/MUTP/Model_Heritage_Regulations.pdf. The footer includes logos for IIT KHARAGPUR, NPTEL ONLINE CERTIFICATION COURSES, and a URL: <https://www.legalcrystal.com/act/1359-regulations-for-greater-bombay-1995-a>. A small video inset in the bottom right corner shows a person speaking.

And some of the structures will have four areas or artifacts or spaces or sometimes corridor estates have to be maintained.

So, that is why the grading is important and we have seen in case of Goa, there are 5 types of categories. So, these grading varies from place to place. In case of Mumbai and this has been adopted later on with the model heritage regulation. There are actually 3 and there is a subdivision of 1 grade. So, let us see the heritage grade-1, what is the definition; comprises buildings and precinct of national or historic importance national or historic importance, in boarding excellence in architectural style.

So, this has to be remembered. This is talking about the national or historic importance, is talking about the excellence in architectural style, design technology and material users and or aesthetics, they may be associated with a historic event, personality movement or institution. They have been an odd the prime landmarks of the region. All natural sites shall also fall within the grade-1.

So, it this definition is very important that what is the definition of the grade-1 because as again and again I am saying; all the structure precinct cannot be of the same value. And they as you say that we have discussed the value they have different types of values are also integrated as a part of the definition. Now what is the objective? Objective seeing it richly deserves careful preservation. If the structure area size artifacts which are or spaces which are of grade-1 is seeing it deserves careful preservation ; that means, we

just cannot do whatever like say for just repairing like that or addition alteration or changing the colour, changing the material is not that. It has to be carefully preserved. Let us talk about the grade-2.

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The slide is titled "Safeguarding Heritage in India" and "Acts and Regulations Governing Preservation of Monuments & Sites". It lists "LISTING & GRADING OF HERITAGE BUILDINGS & PRECINCTS" and focuses on "Heritage Grade-II". The definition states that these buildings are of regional or local importance with special architectural or aesthetic merit, or cultural or historical significance, though on a lower scale than Grade-I. They are local landmarks contributing to the region's image and identity. The objective is that they "Deserve intelligent conservation." The slide includes a URL: http://tcpomud.gov.in/Divisions/MUTP/Model_Heritage_Regulations.pdf. At the bottom, there are logos for IIT KHARAGPUR, NPTEL ONLINE CERTIFICATION COURSES, and a link to <https://www.legalcrystal.com/act/1359-regulations-for-greater-bombay-1995-a>. A small video inset shows a person speaking.

Definition is comprises buildings and precinct of regional or local importance possessing special architecture, precincts special.

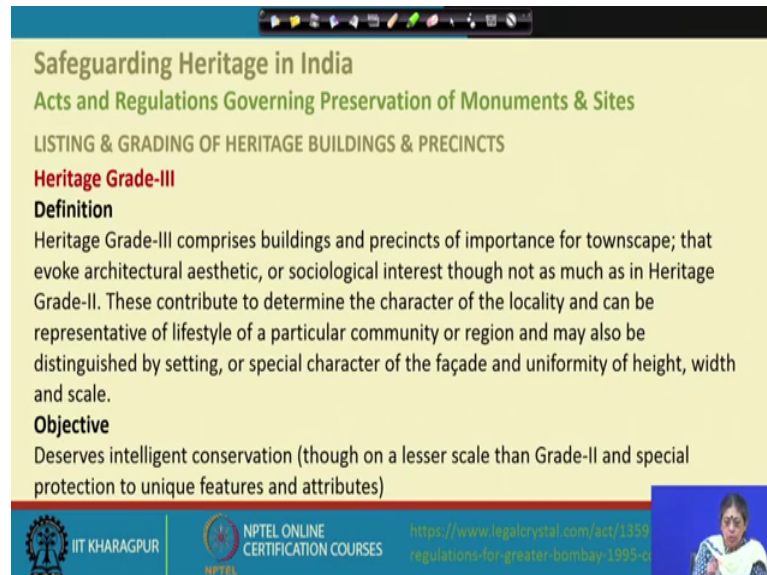
In earlier case, it was excellence. It is a special architectural or aesthetic merit or architecture cultural or historical significance though of a lower scale than heritage grade-1, they are local landmark. So, it is very important. Earlier it was talking of the national level. Here they are talking about the local landmarks which contribute to the image and identity of the region.

So, earlier it was in national. Now it is talking about identity of the region of local landmarks they may be the work of master craftsman or maybe models of proportion and ornamentation or designed to suit a particular climate. So, it is more taking care of the regional local issues, local importance and significance and they are talking about the grade-2. What is the objective? Deserves intelligent conservation in earlier cases seek careful preservation and in this case, it intelligent conservation.

So; that means, some changes are permissible, but that also depends on how intelligently one can do about that and it requires a lot of creativity, understanding the historical

significance heritage ah, not doing in an ad hoc manner. So, this is important for the grade-2.

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The slide is titled "Safeguarding Heritage in India" and is part of a presentation on "Acts and Regulations Governing Preservation of Monuments & Sites". It focuses on the "LISTING & GRADING OF HERITAGE BUILDINGS & PRECINCTS". The specific topic is "Heritage Grade-III".

Definition
Heritage Grade-III comprises buildings and precincts of importance for townscape; that evoke architectural aesthetic, or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special character of the façade and uniformity of height, width and scale.

Objective
Deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)

The slide footer includes the IIT KHARAGPUR logo, NPTEL ONLINE CERTIFICATION COURSES logo, and a URL: <https://www.legalcrystal.com/act/1359-regulations-for-greater-bombay-1995-a>. A small video inset shows a person speaking.

And grade-3, grade-3 are generally for the group group areas townscape value these are the that where a group of buildings, group of structures and areas together. They make a contribute to the significance. So, definition is that heritage grade-3 comprises buildings and precinct of importance for townscape.

So, these one has to remember that townscape, that evoke architectural aesthetic or sociological interests. So sociological also has been taken care of though not as much as in the heritage grade-2, these contribute to determine the character of the locality. So, they are actually important because they can determine the character of the locality and can be representative of a lifestyle of a particular community. So, this is very important and may also be distinguished by setting or special character of the facade and uniformity of height width and scale. So, grade-3 generally when they say group value of tau scale value, the recent may be different, reason may be coloured, reason maybe townscape, the skyline, reason maybe across menship, reason maybe even a lifestyle of a community.

So, these are coming under the grade 3 and Bombay actually as the 2 subdivision of grades also, but generally this is what is happening. So, objective is that, objective also is deserve intelligent conservation though on a lesser scale then grade 2 and special

protection to unique features and attributes. This is has to be noted is talking about the special protection 2 unique features and attributes so; that means, if there are of a such sub certain areas which are of special features, may be an roofline, maybe colour, may be the facade treatment, may be the setback. There may be various attributes which contribute to the special significance.

So, that has to be preserved and these are the cases were definitely addition alteration can be done inside adaptive reuse and these are the 3 types of grade. So, grading as I say that to sum up that they are all a provision even in our Indian situation to take care of the heritage souls and heritage precinct under the special regulation, under the town and country planning act, they are based on the example of Mumbai, the model heritage bylaws has been formulated by t c p o and it gives entire framework that what is the precinct, how it has to be designated under the town and country planning law.

Now, how the conservation committee, what is the composition of the conservation committee, what are the bindings of the com committee and who gave who has the power to relax that listing, the listing addition can be done by the listing. So, in the listing and there can be a sort of sometimes we will talk about that how the listing is also done because of some pressure. We will see some cases, but what is more important is that that what are the provision and what are the, how the listing and grading is important as I see the entire area the all the structure cannot be of the same value same significance and kind of the same objective and same implication.

So, we see that it is possible even within our town and we have the cases there where it is possible to preserve the head soul and precinct. So, we will continue with that. One of the very important part which is coming out of the heritage zone precinct is that if there are the areas or there are the parts within that living area that new structures have to be build up, then what should be the criteria whether it is possible to do when we declare is a heritage zone. Yes it is possible, but we have to understand certain rules and regulations up to be there, understanding is there, the design sensitivity has to be there that how these new infill or new buildings in historic settings on a this old can come up. Also we have to understand that the, we are talking about to change, development and integration of conservation.

So, the change means the change of definitely some cases, the uses. So, many of the structures sort of probably adapt it to the new. So, what are the guidelines. So, in next lectures, were we talked about the infill or new buildings in historic setting and adaptive reuse or rehabilitation of the heritage structure or heritage restricts or heritage areas.

Thank you.